



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2300172
Applicant Name: Luke Delen
Address of Proposal: 3434 34th Avenue West

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into three unit lots (unit lot subdivision). Proposed unit lot areas are Parcel A) 2,741.5 square feet; Parcel B) 1,459.3 square feet; and Parcel C) 1,460.7 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses was approved under project #2207054; the existing duplex is to remain.

The following approval is required:

Short Subdivision - To subdivide one existing parcel into three unit lots. (Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

 ☐ DNS with conditions

 ☐ DNS involving non-exempt grading or demolition, or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The 5,661-square foot subject site (the “parent lot”) is located on the east side of 34th Avenue West, on the block between West Ruffner Street and West Bertona Street. At the project location, 34th Avenue West is designated as an arterial and improved with curb, gutter, and sidewalks on both sides of the street. The site is currently occupied by a multi-family residence (duplex) which is to remain on the site. The site is not located in any mapped or observed environmentally critical areas.

The subject property and properties to the north, south, and east are all zoned Residential, Multifamily, Lowrise 1 (L1). Properties to the west (across 34th Avenue West) are zoned Residential, Single-family 5,000 (SF5000). Development in the immediate area primarily consists of single-family and two-unit multi-family structures.

Proposal Description

The applicant proposes to subdivide one 5,661-square foot parcel into three unit lots with the following lot areas: Parcel A) 2,741.5 square feet; Parcel B) 1,459.3 square feet; and Parcel C) 1,460.7 square feet. The site fronts on 34th Avenue West, but all vehicular access would be taken from the existing 16-foot wide alley at the rear of the site. Two three-foot wide utility and pedestrian easements (one along the north property line and one along the south property line) would provide pedestrian access from Parcels B and C to 34th Avenue West.

An underlying Master Use Permit for the construction of two townhouse units has been reviewed and approved (Project #2207054); the existing duplex is to remain and would be located on Parcel A. The subject of this analysis and decision is limited to the subdivision of land.

Public Comments

The 14-day public comment period for this proposal ended on March 26, 2003. No comments were received during the comment period.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The following findings are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Design, Construction and Land Use (DCLU); review from Seattle Public Utilities, Seattle Fire Department, and Seattle City Light; and review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

The underlying construction permit for two (2) townhouse units has been approved and issued (Master Use Permit #2207054). This related application was reviewed to ensure that it met all applicable provisions of the Land Use Code including density, lot coverage, setbacks, open space, parking, and access.

The proposed unit lot subdivision would allow separate ownership of the land associated with the existing duplex (Parcel A) and the two new townhouse units (Parcels B and C). This purpose is consistent with the provisions of SMC 23.24.045, Unit lot subdivisions.

2. Adequacy of access for vehicles, utilities, and fire protection as provided in Section 23.53.005;

The three proposed lots would have access onto an existing 16-foot wide, improved alley. The Seattle Fire Department has reviewed and approved the proposed short plat for adequate emergency vehicle access.

All private utilities are available in this area. Seattle City Light would provide electrical service to the proposed short plat; City Light has requested an easement to provide electrical facilities and service to the proposed lots (P.M. 250315-4-012).

Therefore, this short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension.

The short plat application has been reviewed by Seattle Public Utilities, and Water Availability Certificate #2003-0293 was issued on March 27, 2003.

The existing duplex is connected by means of a shared sidesewer¹ to a 10-inch public combined sewer (PS) located in 34th Avenue West. A sidesewer permit would be required for connection of the new units to the PS.

The PS would also be the appropriate point for stormwater discharge. Stormwater detention, with controlled release to the PS in 34th Avenue West, is typically required for construction in excess of 2,000 square feet of developmental coverage. Plan review requirements were reviewed under the related construction permit (MUP #2207054) in accordance with applicable stormwater ordinances in effect at that time. Therefore, drainage review has been conducted and approved in conjunction with this project.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed development would have adequate access for vehicles, utilities, and fire protection and has adequate drainage, water supply, and sanitary sewage disposal.

An easement or covenant should be recorded with the final plat to ensure that addresses for the two townhouse units (located on proposed Parcels B and C) are visible from 34th Avenue West. The easement or covenant should ensure that address signage is both permitted and maintained.

The public use and interests would be served by permitting the proposed subdivision of land, and the proposal meets all applicable criteria for approval of a short plat as discussed in this analysis.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*

The subject site is not located within a mapped or observed environmentally critical area (ECA) as set forth in SMC 25.09.020.

¹ The shared sidesewer also serves the duplex to the south, addressed as 3428/3430 34th Avenue West.

6. *Is designed to maximize the retention of existing trees;*

Standards for tree retention were reviewed under the related construction permit (Master Use Permit #2207054).

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

The provisions of SMC Section 23.24.045 are as follows:

- A. *The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*

The subject proposal would establish separate lots for a residential cluster development (a duplex and two townhouse units) in a Lowrise 1 zone, thus falling within the provisions of SMC 23.24.045.

- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

A related construction permit for townhouse development was approved under Master Use Permit #2207054. That related development proposal meets applicable development standards for the site as a whole. Usable private open space for each dwelling unit is shown on both the related construction application and the survey site plan.

- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*

In order to assure proper control of future platting actions, additions or modifications to structure(s) on the subject site, a condition should be placed on the face of the plat as outlined under Criterion ‘F’ below.

- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*

Joint use and maintenance agreements for the proposed utility and pedestrian easements and for the 24-foot by 10-foot ingress and egress easement should be included on the final documents for recording.

- E. *Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Development of Records and Elections.*

Parking for Parcels B and C would be provided on the respective lot. Parking for Parcel A would be located on Parcel C and accessed via an ingress and egress easement crossing Parcel B.

- F. *The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Review of this application indicates that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 and to applicable standards for unit lot subdivisions for residential cluster developments in an L1 zone. To assure that future owners have constructive notice that additional development may be limited, the applicant should add a note to the face of the plat that reads as follows: *"The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code."*

Summary

The proposed unit lot subdivision would meet all applicable requirements of SMC Chapter 23.24, Short Plats. The underlying development, when considered as a whole, meets all applicable standards set forth in the Land Use Code. The proposed unit lot subdivision would be provided with adequate pedestrian and vehicular access and with public and private utilities. Adequate provisions for water supply and sanitary sewage disposal have been proposed for each lot, and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED.**

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Add the conditions of approval to the face of the plat.
4. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (as described in Exhibit "A," P.M. #250315-4-012) on the final short subdivision.
5. Add the following note to the face of the plat: *"The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code."*
6. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, utility, and pedestrian easements.
7. Record an easement or covenant with the final plat to ensure that address signage is allowed and maintained for Parcels B and C.

Signature: (signature on file) Date: April 10, 2003
Leslie C. Clark, AICP
Land Use Planner